IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11310 of 2004

Between:

1 M.Shankar Rao, S/o Pullaiah,
R/o Pedda Parimi Village & Post, Thullur Mandal, Guntur District
2 M.Babu Rao, S/o Venkateshwarlu,
C/o D.Krishna Kumari, H.M. Z.P.G.H.School, Besthavaripeta (P & M),
Prakasam District

..... PETITIONERS

AND

1 The Regional Manager, APSRTC, Guntur Region, Guntur District
2 The Depot Manager, APSRTC Bapatla Bus Depot, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not giving the Special Grade/ Stagnation Increment to the petitioners with effect from his completion of 12 years of service in A.P.S.R.T.C. from the date of his appointment as bad arbitrary, illegal, unjust and contrary to the Circulars and contrary to the Judgments of this Hon'ble Court and consequently direct the respondents to effect the 12 years Stagnation Increment/Special Grade to the petitioners on completion of 12 years of service in the Corporation.

For the Petitioners:MR.G.RAVI MOHAN, Advocate.

For the Respondents.: MR.VENKATESWARLU POSANI, SC for APSRTC

The Court Made the Following :

O r d e r:

This writ petition is filed to declare the action of the respondents in not

giving the Special Grade/Stagnation increment to the petitioners with effect from their completion of twelve years of service in the respondent-Corporation as bad, illegal and arbitrary.

The contention of the petitioners is that their services were regularized as Conductors with effect from 1-8-1990 and 1-7-1989 respectively. As per the circular No.65 of 1989 dated:3-6-1989, the petitioners are entitled for Special Grade/Stagnation Increment on their completion of twelve years of service. But the respondents have denied them the Special Grade/Stagnation increments saying that they have not completed twelve years of services in the present region.

It is not in dispute that after completion of twelve years of service as on 30-4-1989 the employees are entitled for Special grade/Stagnation increments. In similar circumstances, a Division Bench of this Court in *APSRTC V. BUTCHANNA* held "*such a benefit cannot be denied to the petitioners simply because at the time of their transfer to the new divisions, they had agreed to forego their past service in the present division in the matter of fixation of their seniority in the transferee division.*"

Therefore, it is for the respondents to consider the case of the petitioners by taking into consideration the total service rendered by them in the respondent-Corporation.

Accordingly, the writ petition is disposed of directing the respondents to consider the case of the petitioners for granting Special Grade/Stagnation Increments to the petitioners, as per the Service Regulations and Circular Orders issued by the respondent-Corporation from time to time. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order. In the circumstances no costs.

K.C. BHANU

6—7—2004

BVS

To

1 The Regional Manager, APSRTC, Guntur Region, Guntur District
2 The Depot Manager, APSRTC Bapatla Bus Depot, Guntur District

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